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UNCLAS SECTION 01 OF 02 HANOI 001837

SIPDIS

DEPARTMENT FOR CA/OCS/CI, CA/OCS/ACS/EAP, CA/OCS/PRI,
CA/VO/F/P, CA/VO/L/C, EAP/BCLTV, AND L/CA
BANGKOK FOR DHS/DD
HO CHI MINH CITY FOR CONS AND DHS OIC

E.O. 12958: N/A

TAGS: [CVIS](#) [CASC](#) [KOCI](#) [PREL](#) [PTER](#) [VM](#) [CTERR](#) [HUMANR](#)

SUBJECT: Vietnam - DCM Meeting with Consular Department

1.(U) Summary. The Deputy Chief of Mission's introductory call on Bui Dinh Dinh, Director of the MFA's Consular Department, on June 29 provided both sides an opportunity to raise a number of substantive bilateral consular issues. The GVN highlighted repatriation of deportable aliens, reopening of humanitarian resettlement programs, and Consular access and notification as significant consular issues to be worked on by our two governments. DCM requested the Consular Department focus on the recent death penalty case of AmCit John Nguyen and requested a response to our latest draft of the Protocol concerning adoptions. He also highlighted USG concerns over a recent GVN decision to suspend issuance of visas to USG officials because the travel of a GVN official was delayed due to clearance procedures and requested that GVN officials submit visa applications in advance to allow time for necessary clearances. The GVN also flagged a number of political issues, including the cases of two individuals in the U.S. who the GVN believes are involved in "inciting terrorism" and the display of the flag of the former Republic of South Vietnam, as obstacles to trust in the U.S.-GVN relations.

12. (U) On June 29, 2004, newly arrived Deputy Chief of Mission John Boardman paid a courtesy call on the Director of the Consular Department at the Ministry of Foreign Affairs, Bui Dinh Dinh. The discussion went beyond simple courtesies and touched on a number of substantive bilateral consular and political issues.

Key Bilateral Consular Issues and Consular Access and Notification

13. (U) After initial introductions, DCM Boardman asked Dinh to outline his priority bilateral consular issues. Dinh listed repatriation of deportable aliens, reopening the humanitarian resettlement programs, and consular access and notification. (Comment: Dinh appeared unprepared for the question. While his response seemed to be off-the-cuff and may not represent an official GVN prioritization, it is notable that the GVN recognizes the importance we place on these three issues and would include them in such an impromptu listing. End Comment.)

14. (U) DCM pursued the issue of Consular Access and Notification, particularly as they relate to dual nationality. Dinh explained that since dual nationality is not recognized in Vietnam, the GVN refers to U.S./Vietnamese nationals as "Vietnamese citizens holding American passports." He noted that since the Agreed Minute of 1994 regarding consular relations was signed at "lower levels" (by the Director of the Americas Department, rather than at the Minister-level or higher), other ministries such as the Ministry of Public Security do not view the Agreed Minute as binding.

Visa Wars

15. (U) DCM raised his concerns about the recent GVN decision to "embargo" visas for official USG travelers in direct response to the delayed travel of a GVN official (due to the necessity of Visas Eagle clearance.) He explained the role played in visa policy establishment played by the Department of Homeland Security and the role played by other USG agencies in the visa clearance procedures. DCM also clarified that withholding visas for USG officials has no impact on DHS or other agencies involved in the clearance process, and thus is not an effective response. DCM strongly reiterated the request that visa applications for GVN officials be submitted early enough to allow for the required clearances. He also invited the GVN to contact us any time a delay in clearance causes difficulties.

16. (U) Dinh described the pressure he was under from other, more senior officials every time the issuance of a U.S. visa for a GVN official was delayed. He asked for more specific details on when clearances are required, and when they can be waived. ConOff briefly described the categories of applicants for which Visas Eagle is required in Vietnam. (Note: The GVN has repeatedly requested that GVN officials

be exempted from clearance and US VISIT fingerscanning procedures. Consular section will follow up to provide clarification of the clearance process and urge that a spirit of cooperation between the two sides --GVN submitting applications sooner and USG explaining and expediting clearances where possible -- is the best road forward. End Note.)

Adoptions

17. (U) When reminded of the adoptions Protocol and asked when we might expect a response, Dinh responded that the Protocol was still under consideration by the Ministry of Justice.

John Nguyen Death Penalty Case

18. (U) Regarding American Citizen John Nguyen, who was sentenced to death in Ho Chi Minh City for drug trafficking on June 16, 2004, Dinh was unaware of the details. DCM flagged the USG interest in the case and asked that requests for leniency from Mr. Nguyen and his family be given appropriate consideration. DCM also asked for clarification of the specific charges under which Mr. Nguyen was found guilty and stated that the Embassy planned to send a diplomatic note to the Consular Department regarding this case.

Political Issues - Kok Ksor, Nguyen Huu Chanh, and Flags

19. (U) Dinh commented that consular relations and the broader relationship between the United States and Vietnam were going "quite well." However, he highlighted two "obstacles to trust" and the furtherance of that relationship. The GVN has raised Kok Ksor, as reported in ref A, and Nguyen Huu Chanh, ref B, previously. Dinh claimed that Kok Ksor's efforts to organize the Montagnard uprising in the Central Highlands in April amounted to "inciting terrorism." He also claimed that Nguyen Huu Chanh, as leader of the Free Vietnam Movement (a.k.a. Free Vietnam Alliance) worked to "incite terrorist acts" in Vietnam, Thailand, and the Philippines. Dinh argued that the U.S. speaks out often against terrorism, but does nothing to stop terrorists living in the U.S. from conducting terrorist acts. He said this issue affected "trust" between our two governments. DCM responded that the USG does not support terrorism in any form and assured Dinh that the USG would follow up if presented with evidence that these two individuals had committed acts of terrorism or otherwise violate US law.

110. (U) Finally, Dinh highlighted GVN concerns regarding the decision of some local U.S. authorities to allow display of the flag of the former Republic of South Vietnam. He noted that display of this flag provokes animosity against the GVN within the U.S. DCM responded that the GVN should not give too much importance to this issue. Private individuals and local authorities in the U.S. can act independently, but it is the federal government that conducts foreign relations and establishes official USG policy. He added that it is the responsibility of the GVN, not the USG, to improve relations and reduce any sense of animosity in the ethnic Vietnamese communities in the U.S. and elsewhere.

BURGHARDT